

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

Initially, Applicants affirm their election of Group I, claims 1-16, in a telephonic conference on March 17, 2006 between Applicant's Representative George F. Lesmes and Examiner Chapman.

By the present amendments, claims 2, 7, 13 and 17-20 have been canceled without prejudice or disclaimer. Claim 1 has been amended to include the feature of canceled claim 2 and to specify the presence of a second coating layer, a feature set forth in canceled claim 7. Claim 12 has been amended to include the feature of canceled claim 13. Other claims have been amended to provide proper antecedent basis. Claims 8 through 11 have been amended to properly depend from claim 1. Claims 1, 3-6, 8-12 and 14-16 are now pending in this application.

Claims 1-16 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Published Patent Application No. 2001/0033982 (Ishikawa et al) for the reasons set forth in paragraph (9) of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the following reasons.

Ishikawa et al '982 does not disclose a toner containing toner particles having coating particles fusion-bonded to the surface of core particles by a dry system nor does this reference disclose a toner comprising core particles having a first coating layer formed by a dry system and composed of wax or colorant coating particles attached to the core particles

and having coating resin microparticles fusion-bonded to the first coating layer. In the Examples of Ishikawa et al '982, a wet system is used to prepare coated toner particles.

As described in the present specification, a wet system presents many problems. For example, water, dispersant and the like remain in the toner resulting in a toner which is degraded in chargeability and reduced in fixing performance. Note the discussion in paragraphs [0008]-[0011] of the specification. In short, a toner produced by a dry system has significantly different properties from toner produced by a wet system. This is illustrated by comparative data in the specification.

In Table 2 on page 55, the toners of Example 1 and Comparative Example 3 are virtually identical in composition except that one is prepared using a dry system and the other prepared using a wet system. The data in Table 3 on page 62 confirms that the toner prepared using a dry system (Example 1) has superior thermostability, charge stability, anti-separation performance and anti-stress performance compared to a toner prepared using a wet system (Comparative Example 3).

Based on the comparative data, it is clear that the toners claimed herein are completely different from the toners disclosed in Ishikawa et al '982. Accordingly, this reference is not an anticipation of claims 1-16.

Moreover, the data in Table 3 of the specification clearly establishes that the presently claimed toners unexpectedly have significantly improved properties in comparison to toners of the type described in Ishikawa et al '982. This result could not have been predicted from the disclosure of the reference. Accordingly, claims 1-16 are not unpatentable based on §103(a).

In view of the above, the §102 and §103 rejection over Ishikawa et al '982 should be withdrawn. Such action is earnestly solicited.

Claims 1-16 were rejected under 35 U.S.C. §103(a) as obvious over Ishikawa '982, as applied to claims 1-16, and further in view of U.S. Patent No. 5,204,205 (Anno) for the reasons given in paragraph (10) of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

Anno et al '205 discloses a toner wherein several layers are laminated on core particles by a dry system. However, as discussed above, Ishikawa et al '982 does not teach nor suggest the application of a dry system. One skilled in the art could not reasonably predict that the modification of Ishikawa et al '982 to use a dry system would have been successful bearing in mind the differences between a wet and dry system.

Anno et al '205 does not teach layers using wax-containing resin microparticles nor colorant-containing resin microparticles formed on core particles. Therefore, even if Ishikawa et al '982 is combined with Anno et al '205, the concept of an intermediate layer comprising colorant-containing resin microparticles is not disclosed or suggested.

Anno et al '205 teaches an intermediate layer comprising resins combined with colorant agents alone. In such a method, colorant agents may be unevenly distributed, so that a uniform color is not provided. Uniform color density on the core and an appropriate adhesive strength for covering thereof is obtained by Applicants using colorant-containing resin microparticles.

As mentioned above, Ishikawa et al '982 and Anno et al '205 do not recognize the distinct effect which can be obtained by using a coating layer comprising wax-containing resin microparticles or colorant-containing resin microparticles by a dry system.

Moreover, the use of a dry system yields unexpected results as shown by the comparative data in the specification. For at least the above reasons, the §103(a) rejection based on these references should be withdrawn.

In view of the above, the §103 rejection over Ishikawa '982 in view of Anno '205 should be reconsidered and withdrawn. Such action is earnestly solicited.

Claims 1-16 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/788,448. Reconsideration of this rejection is respectfully requested.

Applicants believe the respective claims of both applications are drawn to patentably distinct inventions. Mere overlap in the scope of claims is not, per se, double patenting. Accordingly, Applicants respectfully request reconsideration of this rejection.

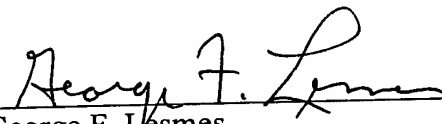
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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